

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

FRANK BETZ ASSOCIATES, INC.,	)	
	)	
Plaintiff	)	
	)	
v.	)	No. 3:12-0152
	)	Magistrate Judge Brown
	)	Jury Demand
BUILDERS MUTUAL INSURANCE COMPANY,	)	
	)	
Defendant		

O R D E R

A telephone conference was held with the parties in this matter on September 24, 2012. The parties advised that at the present time they had received only one volume of an anticipated six or seven volume transcript. The Magistrate Judge will not extend the dispositive motion deadlines at this point. However, should either side feel that the transcripts will be critical to their dispositive motion they may file a motion to extend the deadline. The Court understands that an appeal in the underlying case has been filed. It is anticipated that the briefing schedule in that case will be delayed because of the lack of transcripts.

Given the nature of the overall proceedings it is critical from the parties' perspective to have a ruling on the coverage as soon as practicable inasmuch as collection on the underlying case would be difficult if there is no insurance coverage.

The Court briefly discussed with the parties some discovery issues. Both sides are free to file motions to compel

following the Court's Local Rules on the matter. Responses will be filed within 14 days of the motion.

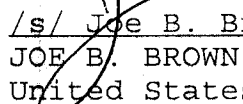
Finally, there is a pending motion to dismiss the attorneys' fees claim (Docket Entry 34) to which no response has been made.

Under the Court's Local Rule 7.01(b), failure to file a timely response shall indicate there is no opposition to the motion.

Nevertheless, the Court has considered the motion and reviewed the memorandum in support thereof (Docket Entry 35).

The Court believes that the memorandum correctly states the law on this issue. Accordingly, the motion is **GRANTED** and the Plaintiff's claim for recovery of attorneys' fees incurred in this action are **DISMISSED**. All other claims by Plaintiff in this action remain.

It is so ORDERED.

  
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JOE B. BROWN  
United States Magistrate Judge